

Judge: Christopher M. Alston
Chapter: 13
Hearing Date: August 24, 2023
Hearing Time: 9:30 a.m.
Hearing Location:
 Judge Alston's Courtroom
 700 Stewart St #7206
 Seattle, WA 98101
Response Date: August 17, 2023

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

**IN CHAPTER 13 PROCEEDING
No. 19-14656-CMA**

TIMOTHY DAMIEN MCLAUGHLIN.

RESPONSE TO MOTION FOR ORDER
ALLOWING WITHDRAWAL OF
ATTORNEYS FOR DEBTOR

Debtor.

Jason Wilson-Aguilar, Chapter 13 Trustee, responds to the Motion for Order Allowing Withdraw[al] of Attorney's [sic] for Debtor (ECF No. 39):

Debtor's attorney requests approval to withdraw as attorney for the debtor. Debtor's attorney indicates that effective representation is impossible because of a breakdown in communication and that the debtor has requested that his withdrawal. The Trustee does *not* object to withdrawal of counsel, but the Trustee believes this matter should be considered at a hearing so that the debtor can be present if he so chooses.

So that the Court is fully apprised, the debtor filed a complaint against the Trustee with the United States Trustee's Office on April 7, 2023. The debtor's complaint appeared to relate entirely to ongoing payments the Trustee made to Parkside Condo (ECF Claim No. 6). The debtor was apparently under the mistaken impression that the Trustee was to disburse only the pre-petition cure payments to Parkside Condo, but that is incorrect.

The debtor's confirmed plan provides for the Trustee to make both the cure and ongoing payments to Parkside Condo (ECF No. 24). The plan also reflects that the debtor signed the plan (ECF No. 24). The debtor's plan is also consistent with the Court's Local Rule requiring Chapter 13 plans to provide for the Trustee to make both the ongoing and cure payments on delinquent obligations such as mortgages and condominium payments from a debtor's plan

**RESPONSE TO MOTION FOR ORDER
ALLOWING WITHDRAWAL OF
ATTORNEYS FOR DEBTOR - 1**

Chapter 13 Trustee
600 University St. #1300
Seattle, WA 98101
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1 payments unless the Court orders otherwise. Local Rules W.D. Wash. Bankr. 3015-1(j). The
2 Court did not order otherwise, and the plan properly provides for the Trustee to make both the
3 cure and ongoing condominium payments. In any event, the Trustee responded to the debtor's
4 complaint and sent a copy to the debtor and his attorney.

5 On August 4, 2023, the debtor sent an email to one of the Trustee's employees. The
6 debtor's email provided in relevant part:

7 Attached is correspondence I reviewed today from Thomas Neeleman. It is copy of
8 a request to be removed from the case. I have no issue with this as I initially requested
9 this action given the firms [sic] poor performance, failure i [sic] re> [sic] due diligence.
As a result, I would like the following:

- 10 1. A hearing in front of the judge and ask the court to examine the fees and services
provided.
11 2. Formal notification he [sic] office of the U.SI [sic] trustee which investigates
improprieties in bankruptcy of my complaint.
12 3. How to file with the State Bar or the local bar association as to your complaint.

13 Secondly,

14 Per my request months ago, I have yet to see the following

- 15 1. Removal of the Trustee
16 2. Full forensic accounting of monies paid
3. Updated Chapter 13 disposition amount

If you can be of assistance, I would be most grateful.

17
18 The Trustee presumes the latter part of the message relates to the debtor's April 7, 2023
19 complaint to which the Trustee fully responded.

20 In responding to the debtor's August 4, 2023 email, the Trustee recommended that the
21 debtor appear at this hearing. The Trustee also indicated that he would be filing a response to the
22 motion. The Trustee does not know if the debtor will respond to his attorney's motion or appear.

23 WHEREFORE, the Chapter 13 Trustee requests that the Court grant or deny the Motion
24 for Order Allowing Withdraw[al] of Attorney's [sic] for Debtor (ECF No. 39), as the Court finds
25 appropriate.

26 Dated this 7th day of August 2023

27 /s/ Jason Wilson-Aguilar, WSBA #33582

28 JASON WILSON-AGUILAR
Chapter 13 Trustee